

REMARKS

In conjunction with the accompanying RCE, this response is submitted in response to the Final Office Action dated March 1, 2004 and respectfully requests that the Examiner reconsider the rejection of the claims as set forth therein.

This is a Final Rejection following the Response Under 37 CFR 1.111 filed on December 5, 2003 to the first Official Action of September 3, 2003.

Information Disclosure Statement

Based on the arguments presented and the information provided in the response filed on December 5, 2003, the Examiner has considered the IDS of December 17, 2001.

Objection: Claim 2

The Examiner objects to claim 2 because of a minor punctuation error, i.e., the comma in “comprising:” should be deleted to read “comprising.”

In response, the applicants have amended claim 2 according to the Examiner’s requirement. Consequently, the applicants respectfully request the Examiner to withdraw the objection to claim 2.

The applicants call to the Examiner’s attention that claims 1-5 are each independent apparatus claims. Claim 6 depends from claim 1. Claims 7 and 11 each depend from claim 2. Claims 8 and 12 each depend from claim 3. Claims 9 and 13 each depend from claim 4. Claims 10 and 14 each depend from claim 5.

Claims 15-19 are each independent method claims and are generally analogous to claims 1-5 respectively.

35 U.S.C. 112, Second Paragraph Rejections: Claims 1, 4-6, 9, 10, 13 and 14

The Examiner continues to reject claims 1, 4-6, 9, 10, 13 and 14 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

The Examiner states that claims 1, 4 and 5 recite the limitation: “one of the insulating base material” in the last clause. The Examiner alleges that there is insufficient antecedent basis for this limitation in the claims, and the term is unclear.

The Examiner is questioning whether “one of the insulating base material” is the same as the “an insulating base material” recited in the first clause of the claims,

The Examiner then states that according to FIG. 9D of the instant application, the Examiner is interpreting “one of the insulating base material” to refer to either “the insulating base material” or “the insulating layer”.

In response, the applicants respectfully call to the Examiner’s attention that “the insulating layer” is not recited in claim 1. This limitation is only recited in claims 4 and 5. Therefore, the Examiner’s interpretation can only be applied to claims 4 and 5, not claim 1.

With respect to claim 1, the applicants respectfully maintain that the first clause of claim 1 recites the limitation of “a thin film transistor (TFT) on an insulating base material” while the last clause recites the limitation of “a plurality of openings in a predetermined pattern on one of the insulating base material and at least one material placed above the insulating base material and below the luminous material layer.”

Therefore, with respect to the alleged lack of antecedent basis in claim 1, the applicants maintain that “an insulating base material” is recited prior to the recitation of “on one of the insulating base material”. Consequently, lack of antecedent basis does not exist.

Also, the applicants respectfully maintain that the limitation “on one of the insulating material” recites the functional equivalent of “either ...or...” to provide a choice between the insulating base material and the at least one material placed above the insulating base material and below the luminous material layer.

Therefore, the applicants respectfully request that the rejection of claims 1 and 6 be withdrawn as being improper.

With respect to claims 4 and 5, the applicants have further amended claims 4 and 5 to distinguish between the insulating base material and the insulating layer. In the previous response filed on December 5, 2003, claims 4 and 5 were amended to recite in part the following: --a TFT on an insulating base material; and stacked above the TFT,--.

In view of FIG. 9D, claims 4 and 5 have been amended to recite in a similar manner as claim 2, as follows: -- a TFT on an insulating base material; and stacked above the insulating base material,--.

Prior to addressing the rejections over the prior art, the applicants call to the Examiner's attention that FIG. 4 is a plan view showing a plurality of openings 14 in the transparent electrode 11 of one pixel. To enhance the recitation of the limitations of the present invention, claims 1 and 4 have been amended to recite -- a plurality of openings intermittently spaced in one pixel in a predetermined pattern--.

Support for the amendment is based on the disclosure of FIG. 4 which shows that the openings 14 are intermittently spaced, i.e., separated from each other in the plan view.

No new matter has been added.

Consequently, the applicants respectfully request the Examiner to withdraw the rejections of claims 4 and 5 under 35 U.S.C. §112, second paragraph.

In a similar manner, also to enhance the recitation of the limitations of the present invention, claims 2, 5, 15, 16, 18 and 19 have been amended to recite the limitations of -- a plurality of intermittently spaced openings in a predetermined pattern--, as appropriate to the respective claims. Support for the amendment is based again on the disclosure of FIG. 4 which shows that the openings 14 are intermittently spaced, i.e., separated from each other in the plan view.

Response to Arguments

The Examiner indicates that the applicants' arguments filed on December 5, 2003 have been fully considered but they are moot in view of the new grounds of rejection.

35 U.S.C. 102(b) Rejections: Claims 1, 4, 6 and 9

The Examiner has rejected claims 1, 4, 6 and 9 under 35 U.S.C. 102(b) as being allegedly anticipated by Yamazaki (US 6,433,487 - filed August 23, 2000 - issued August 13, 2002).

In the applicants' response filed on December 5, 2003, the applicants argued that claims 1-5 each recite the limitation of --a plurality of openings in a predetermined pattern--distinguish over Yamazaki at least by reciting (as amended) a plurality of openings in a predetermined pattern.

The applicants noted that apparently, the Examiner had indicated by a hand-written comment on the copy of Yamazaki FIG. 3 what the Examiner apparently interprets to be an opening of the EL layer 46 in the pixel electrode 43 through to the second interlayer insulating film 42. However, there is no identification number in FIG. 3 for this alleged opening and there is no discussion in the patent itself.

The applicants further argued that Yamazaki discusses beginning in column 12, line 65, to column 13, line 1, with respect to FIG. 6B, that the second interlayer insulating film 345 and the first passivation film 344 are etched, forming a contact hole which reaches the drain wiring 343, and a pixel electrode 346 is

formed, but this discussion does not pertain to a plurality of openings in a predetermined pattern in the various combinations as recited by claims 1, 2, 4 and 5. Claim 2 recites further --concavities and convexitieson the-luminous material layer and on the other electrode layer--. These limitations are derived from FIG. 4 of the present application.

The applicants maintained that there is no disclosure of a plurality of openings nor of a predetermined pattern to such openings by Yamazaki.

In the instant Final Rejection, the Examiner alleges that, as broadly as claimed, Yamazaki anticipates all of the limitations of claims 1 and 6. The Examiner has inserted into the Final Rejection on page 4, paragraph 9, a reproduction of FIG. 1 of Yamazaki in which the Examiner labels, at his own initiative, “openings” in the reproduction of FIG. 1.

The applicants assume that the Examiner is interpreting the layers of successive indentations in the metal cathode 44 and pixel electrode 43 as “a plurality of openings”.

In response, the applicants call to the Examiner’s attention that claims 1 and 4 recite -- a plurality of openings spaced intermittently in one pixel in a predetermined pattern--.

The applicants maintain that Yamazaki does not disclose, teach or suggest the limitations of claims 1 and 4 of a plurality of openings spaced intermittently in one pixel in a predetermined pattern.

Consequently, claims 1, 4, 6 and 9 patentably distinguish over the prior art. As a result, the applicants respectfully request that the Examiner withdraw the rejections of claims 1, 4, 6 and 9.

35 U.S.C. 103(a) Rejections: Claims 2, 3, 5, 7, 8, 10-19

The Examiner has rejected claims 2, 3, 5, 7, 8 and 10-19 under 35 U.S.C. 103(a) as being allegedly unpatentable over Yamazaki.

In response, the applicants direct the Examiner's attention to the fact that claims 2, 5, 15, 16, 18 and 19 generally recite the limitations of -- a plurality of intermittently spaced openings are formed to at least one of the insulating base material and at least one material placed above the insulating base material and below the luminous material layer-- or as appropriate for the particular claim.

The applicants maintain that, in a similar manner as with respect to claims 1 and 4, Yamazaki does not disclose, teach or suggest a plurality of intermittently spaced openings in a predetermined pattern. Claims 7 and 11 stand together with the arguments in favor of claim 2. Claims 8 and 12 stand together with the arguments in favor of claim 3. Claims 10 and 14 stand together with the arguments presented in favor of claim 5. Claim 13 stands together with the arguments presented previously with respect to claim 4.

With respect to claim 3, in the Office Action of September 3, 2003, the Examiner asserted that the Expanded Portion 204 of FIG. 3 of Yamazaki appears to disclose a luminous material layer, i.e., EL layer 46, a first electrode

layer, i.e., transparent anode 47, and the luminous material layer and the second electrode layer, i.e., cathode 44, stacked on the electrode layer made of transparent material formed in the shape of concavities and convexities in side view.

In response, the applicants maintained that claim 3 recites the limitations of at least one of the first electrode layer and the second electrode layer made of the transparent material has a comb shape *partly having circular regions* in plan view, and the luminous material layer and the other electrode layer stacked on the electrode layer made of the transparent material are in the shape of concavities and convexities in side view. Therefore, the applicants maintained that Yamazaki does not disclose, teach or suggest the limitations of claims 3 and 8.

The applicants maintain that the Examiner has not fully considered the arguments with respect to claims 3 and 8. Therefore, the applicants respectfully request reconsideration of the foregoing arguments with respect to claims 3 and 8.

Since claim 17 is generally analogous to claim 3, claim 17 stands together with the arguments in favor of claim 3.


With respect to claims 15-16 and 18-19, the applicants call to the Examiner's attention that claims 15-16 and 18-19 each generally recite the limitations of --a plurality of intermittently spaced openings in a predetermined pattern are developed to at least one of the insulating base material and at least one material placed above the insulating base material and below the luminous material layer-- or -- concavities and convexities are formed to the luminous material layer and the other electrode layer owing to the plurality of openings--.

Therefore, Yamazaki does not disclose, teach or suggest the limitations of claims 15-16 and 18-19.

Consequently, the applicants respectfully request the Examiner to withdraw the rejections of claims 2, 3, 5, 7, 8 and 10-19.

Reconsideration of this application based on the foregoing Amendment and Remarks is respectfully requested. The foregoing Amendment and Remarks establish the patentable nature of all of the claims in the application, i.e., claims 1-19. No new matter has been added. Wherefore, early and favorable reconsideration and issuance of a Notice of Allowance are respectfully requested.

Respectfully submitted,


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